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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91158189
Party	Defendant Avaya Inc. Avaya Inc. 211 Mount Airy Road Basking Ridge, NJ 07920
Correspondence Address	Joan T. Pinaire, Esq. McCarter & English, LLP Four Gateway Center 100 Mulberry Street Newark, NJ 07101-0652
Submission	Answer
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Attachments	Answer ADC opp.pdf (4 pages)

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Avaya Inc.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

ADC TELECOMMUNICATIONS, INC.,	:	
	:	
	:	
vs.	:	APPLICANT'S ANSWER TO
	:	NOTICE OF OPPOSITION
	:	
AVAYA INC.,	:	Serial No.: 78/142,638
	:	
	:	
Applicant.	:	Opposition No. 91158,189
	:	
	:	

TO THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS:

AVAYA INC., a corporation duly organized and existing under the laws of the State of Delaware, with its principal place of business at 211 Mount Airy Road, Basking Ridge, New Jersey 07920, by way of Answer to the Notice of Opposition filed herein, responds as follows:

1. Answering Paragraph 1, Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and leaves the Opposer to its proofs.

2. Answering Paragraph 2, Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and leaves the Opposer to its proofs.

3. Answering Paragraph 3, Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and leaves the Opposer to its proofs.

4. Answering Paragraph 4, Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and leaves the Opposer to its proofs.

5. Answering Paragraph 5, Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and leaves the Opposer to its proofs.

6. Answering Paragraph 6, Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and leaves the Opposer to its proofs.

7. Answering Paragraph 7, Applicant admits the allegations contained therein.

8. Answering Paragraph 8, Applicant admits the allegations contained therein.

9. Answering Paragraph 9, Applicant admits that it has made no use of its SINGLE VIEW mark prior to May 24, 2000, however, Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of remaining portion of the allegation contained therein.

10. Answering Paragraph 10, Applicant denies the allegations contained therein

11. Answering Paragraph 11, Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of remaining portion of the allegation contained therein.

12. Answering Paragraph 12, Applicant denies the allegations contained therein.

13. Answering Paragraph 13, Applicant denies the allegations contained therein.
14. Answering Paragraph 14, Applicant denies the allegations contained therein.
15. Answering Paragraph 15, Applicant denies the allegations contained therein.
16. Answering Paragraph 16, Applicant denies the allegations contained therein.

FIRST AFFIRMATIVE DEFENSE

12. The Notice of Opposition fails to state a claim upon which relief may be granted.

WHEREFORE, Applicant respectfully submits that the Opposition be dismissed, with prejudice, and that its Application Serial No. 78/142,638, for the mark SINGLE VIEW, be approved for registration.

Dated: December 29, 2003

Respectfully Submitted,

By:



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Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer to Notice of Opposition to Application Serial No. 78/142,638 was sent via First Class mail on December 29, 2003, to counsel for the Opposer at the following address:

Anna W. Manville
Merchant & Gould P.C.
P.O. Box 2910
Minneapolis, MN 55402-0910

A handwritten signature in black ink, appearing to read "J. Pinaire", written over a horizontal line.

Joan T. Pinaire

Date: December 29, 2003